

## **Plaintiffs' Exhibit W**

**MALINI CHRISTINE SUCHAK**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SIERRA BOUCHER, LILY ENGBRECHT,  
NATASSIA TUHOVAK, HANNAH WHELAN, and  
CASSIDY WOOD,

Plaintiffs,

- against -

Case No.  
1:22-cv-00381-CCR

TRUSTEES OF CANISIUS COLLEGE,

Defendant.  
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Examination before trial of **MALINI  
CHRISTINE SUCHAK**, taken pursuant to Subpoena, in  
the offices of JACK W. HUNT & ASSOCIATES, INC.,  
1120 Liberty Building, Buffalo, New York, on  
June 19, 2024, commencing at 2:26 p.m., before  
LYNNE E. DIMARCO, Notary Public.

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14:39:44 1 03066. And the third document runs from Canisius  
14:39:51 2 03067 through Canisius 03068.

14:39:57 3 Q. Okay. So let's talk first about the  
14:40:00 4 first Document 3060 to 3062. Do you recall when  
14:40:12 5 you composed this document?

14:40:15 6 A. So the first page running up through or  
14:40:20 7 above where it says inappropriate oversight  
14:40:23 8 interference, that was all composed around  
14:40:26 9 October 3rd, 2013. I don't think it was exactly on  
14:40:29 10 this date, but it was within the next few days.

14:40:32 11 Q. Okay.

14:40:33 12 A. Everything else inappropriate oversight  
14:40:36 13 interference through the end of the material on  
14:40:40 14 page 03062 I started collecting this information in  
14:40:50 15 October or November, which means that I went  
14:40:52 16 backwards in time to compile some of the dates that  
14:40:56 17 were listed before that. And then everything from  
14:41:00 18 October, November on I wrote down  
14:41:03 19 contemporaneously.

14:41:05 20 Q. Okay. And so this document essentially  
14:41:10 21 covers interactions that you had with Dr. Michael  
14:41:15 22 Noonan from October of 2013 to July of 2014; is  
14:41:19 23 that correct?

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14:41:19 1           **A.**     Correct.

14:41:20 2           **Q.**     Okay.   So why did you keep these notes  
14:41:24 3 regarding your interactions with Dr. Noonan?

14:41:31 4           **A.**     The first part, the trip meeting I  
14:41:35 5 documented because we had raised some concerns  
14:41:38 6 about the trip and I wanted some documentation of  
14:41:41 7 the concerns we had raised and the response.

14:41:44 8           The second -- the rest of it, everything  
14:41:48 9 after inappropriate oversight interference, I  
14:41:52 10 recorded as a running record of interactions that  
14:42:02 11 showed that he was behaving in an overbearing and  
14:42:09 12 inappropriate way towards me.

14:42:13 13           **Q.**     So with regard to your notes about the  
14:42:17 14 pre-Colorado trip meeting, I've reviewed them and I  
14:42:26 15 believe that your notes express discussions that  
14:42:34 16 you had with Dr. Noonan and Christy Hoffman  
14:42:38 17 regarding an intended trip to Colorado with  
14:42:42 18 Canisius students; is that correct?

14:42:43 19           **A.**     Correct.

14:42:44 20           **Q.**     Okay.   You said that you raised  
14:42:49 21 concerns and you wanted to memorialize the response  
14:42:53 22 in this document.   And I'm wondering were you  
14:42:57 23 talking about the concerns that you and Dr. Hoffman

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14:51:14 1 faculty?

14:51:15 2 **A.** Yes.

14:51:16 3 **Q.** Okay. Are you a tenured professor now?

14:51:20 4 **A.** Yes.

14:51:21 5 **Q.** When did you receive tenure?

14:51:23 6 **A.** August of 2019.

14:51:28 7 **Q.** Prior to your time as an adjunct or a

14:51:34 8 faculty member at Canisius, did you spend time at

14:51:41 9 Canisius College?

14:51:43 10 **A.** Yes.

14:51:44 11 **Q.** And in what capacity did you do that?

14:51:47 12 **A.** I was a student.

14:51:49 13 **Q.** Okay. And what years did you attend?

14:51:53 14 **A.** 2003 to 2007.

14:51:56 15 **Q.** And were you an undergraduate student?

14:51:59 16 **A.** Yes.

14:52:00 17 **Q.** Okay. Did you receive a degree?

14:52:02 18 **A.** Yes.

14:52:02 19 **Q.** What was the degree?

14:52:04 20 **A.** A Bachelor of Science in biology.

14:52:10 21 **Q.** Did the ABEC department exist during

14:52:13 22 your tenure as an undergraduate student?

14:52:17 23 **A.** No.

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14:52:17 1 Q. Did you study under Dr. Noonan when you  
14:52:20 2 were an undergraduate student?

14:52:22 3 A. Yes.

14:52:22 4 Q. What was your experience studying under  
14:52:25 5 Dr. Noonan as an undergraduate student?

14:52:29 6 A. I learned a lot from him, I still use  
14:52:33 7 some of the skills that I gained from studying with  
14:52:36 8 him. I also had, you know, a lot of experience  
14:52:43 9 working with animals and field trips with him.

14:52:53 10 Q. Did Dr. Noonan ever subject you to any  
14:52:57 11 conduct that you thought was inappropriate?

14:53:08 12 A. There was a time when I was an  
14:53:12 13 undergraduate student where I was doing research  
14:53:16 14 with him at Marineland and it was clear that a  
14:53:21 15 trainer there had a crush on me. And he, Mike  
14:53:27 16 Noonan, teased me mercilessly about that.

14:53:33 17 Q. Did he encourage you to go out with the  
14:53:37 18 trainer?

14:53:40 19 A. No.

14:53:42 20 Q. How did he tease you about it, this  
14:53:45 21 crush that the trainer had on you?

14:53:48 22 A. Like he would say that he thought it  
14:53:51 23 was cute or he would mention that, you know, the

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15:08:59 1 survey -- actually, I asked you that question  
15:09:02 2 already.

15:09:03 3 I'm going to direct your attention now to  
15:09:07 4 the second document in this exhibit. I believe you  
15:09:10 5 told me it went from 3063 to 3066?

15:09:17 6 **A.** Correct.

15:09:17 7 **Q.** Okay. So I have reviewed this document  
15:09:27 8 and it seems to be a critique of the work that  
15:09:40 9 Dr. Noonan was doing through the Canisius  
15:09:46 10 Ambassadors for Conservation or the CAC program as  
15:09:53 11 well as the ISHAR Institute; is that a fair summary  
15:09:58 12 of this document?

15:10:00 13 **MR. D'ANTONIO:** Form, you may answer, if you  
15:10:10 14 know.

15:10:10 15 **THE WITNESS:** I don't know that I would call  
15:10:12 16 it a critique.

15:10:13 17 **BY MS. NANAU:**

15:10:14 18 **Q.** Okay. What would you call it?

15:10:16 19 **A.** I would call it an analysis of the work  
15:10:19 20 being done particularly under the umbrella of the  
15:10:25 21 Institute for Human Animal Relations which included  
15:10:30 22 the Canisius Ambassadors for Conservation in  
15:10:30 23 relation to its purported goals as stated on the

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15:10:38 1 web site which is the text that is in gray.

15:10:41 2 Q. Okay. When did you prepare this  
15:10:44 3 document?

15:10:46 4 A. In May of 2017.

15:10:51 5 Q. And what was the intent behind  
15:10:58 6 preparing this document?

15:10:59 7 A. These were preparation notes for  
15:11:02 8 meetings that I would later have with Dr. Beth Gill  
15:11:06 9 and Peg McCarthy.

15:11:14 10 Q. Okay. So Dr. Beth Gill was the dean of  
15:11:21 11 the school of arts and sciences; is that correct?

15:11:25 12 A. She was the dean of the college of arts  
15:11:28 13 and sciences at that time.

15:11:29 14 Q. Thank you. And what was Dr. McCarthy's  
15:11:35 15 role at that time?

15:11:35 16 A. Vice president for academic affairs.

15:11:39 17 Q. And did you meet with Dr. Gill and  
15:11:43 18 Dr. McCarthy about the issues memorialized in this  
15:11:47 19 second memorandum, did you meet with them together  
15:11:51 20 or did you meet on separate occasions with each  
15:11:54 21 one, or a combination?

15:11:56 22 A. I wouldn't call this a memorandum,  
15:11:59 23 these are preparation notes.

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15:12:00 1 Q. Okay. Sorry.

15:12:02 2 A. And I met with Dr. Beth Gill and then  
15:12:05 3 later Dr. Gill and Dr. McCarthy together.

15:12:10 4 Q. And when you met with Dr. Gill  
15:12:13 5 initially, did you meet with her and anyone else?

15:12:16 6 A. Joshua Russell was there.

15:12:19 7 Q. Okay. And do you recall when that  
15:12:22 8 meeting was with Dr. Gill and Dr. Russell?

15:12:25 9 A. October of 2017.

15:12:27 10 Q. Okay. And beyond the issues raised in  
15:12:34 11 this you preparation memorandum, did you raise any  
15:12:40 12 other issues with Dr. Gill at that time?

15:12:47 13 A. Me, personally, not that I remember.

15:12:53 14 Q. Okay.

15:12:54 15 A. I mean, there were other -- Josh was  
15:12:58 16 there, so he probably raised issues that aren't  
15:13:01 17 listed here.

15:13:02 18 Q. Do you recall if Dr. Russell raised any  
15:13:05 19 issues other than what is memorialized in your  
15:13:09 20 preparation memorandum?

15:13:11 21 A. Give me a second to read what's in  
15:13:14 22 here.

15:13:14 23 Q. Yeah, take your time, I'm not in a

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15:13:17 1 rush.

15:13:38 2           **A.** One thing that I remember that is not  
15:13:41 3 in here that I believe Josh brought up was the use  
15:13:45 4 of fitness tests for some of the trips.

15:13:51 5           **Q.** So by fitness test are we talking about  
15:13:55 6 physical fitness or mental fitness?

15:13:58 7           **A.** Physical fitness.

15:13:59 8           **Q.** And what was Dr. Russell's objection to  
15:14:02 9 the fitness tests for the trips?

15:14:04 10           **A.** I don't remember his precise objection  
15:14:08 11 to the fitness test except that they were pretty  
15:14:13 12 rigorous relative to the actual needed physicality  
15:14:18 13 of the trip.

15:14:20 14           There is legitimate reason to ensure that  
15:14:24 15 folks traveling into remote areas of the field  
15:14:28 16 especially mountainous areas can do the physical  
15:14:33 17 work. However, it seemed disproportionate to  
15:14:36 18 sometimes what they would be doing.

15:14:38 19           Like they might have to run up and down 10  
15:14:38 20 flights of stairs and that some students were  
15:14:41 21 getting excluded from the trip because they  
15:14:44 22 couldn't pass the physical fitness test.

15:14:48 23           **Q.** Is there anything else that you recall

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15:14:50 1 that Dr. Russell brought up during the meeting with  
15:14:54 2 Dr. Gill?

15:14:57 3 **A.** Not off the top of my head.

15:15:00 4 **Q.** Okay. With regard to the meeting with  
15:15:08 5 Dr. McCarthy, do you recall when that happened?

15:15:10 6 **A.** I think it was April of 2018.

15:15:13 7 **Q.** And what were the issues that you  
15:15:15 8 discussed with Dr. McCarthy?

15:15:18 9 **A.** It was -- I use these notes for both  
15:15:21 10 meetings, so it was similar issues although my  
15:15:24 11 recollection is with Dr. McCarthy we focused a  
15:15:28 12 little bit more on money going to ISHAR.

15:15:32 13 **Q.** From your preparation memorandum I took  
15:15:40 14 it that you were questioning the legitimacy of some  
15:15:44 15 of the expenses that Dr. Noonan made with ISHAR  
15:15:50 16 money or the use of ISHAR money on certain  
15:15:55 17 expenses.

15:15:55 18 For example, you questioned whether a  
15:16:04 19 thousand dollar plus cameras had to be purchased  
15:16:06 20 every year, correct?

15:16:07 21 **A.** Yes.

15:16:08 22 **Q.** And that he used students as pack mules  
15:16:12 23 to haul video and photo equipment often at the

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15:16:16 1 expense of being able to bring on their own  
15:16:19 2 luggage?

15:16:20 3 **A.** Yes.

15:16:21 4 **Q.** And that he treated these trips more as  
15:16:26 5 an extension of his personal hobbies rather than  
15:16:30 6 actually doing research?

15:16:35 7 **A.** That was my opinion at the time was  
15:16:38 8 that he was pursuing a hobby. However, my  
15:16:42 9 understanding of scholarship has evolved over time  
15:16:46 10 and I now believe that he and the university both  
15:16:52 11 believed that this was a scholarly endeavor.

15:16:54 12 **Q.** Do you believe that it was a scholarly  
15:16:54 13 endeavor, I think you referred to these trips as  
15:16:59 14 echo tourism and not real research trips in this  
15:17:02 15 memorandum, correct?

15:17:04 16 **A.** The field experience itself does not  
15:17:08 17 align with the principals of field research, which  
15:17:12 18 would involve a set of methods that you would use,  
15:17:15 19 for example, to evaluate habitat or presence of  
15:17:18 20 certain animals or something like that.

15:17:20 21 So in that sense it is not the same thing as  
15:17:25 22 field research and that is why I would call it echo  
15:17:25 23 tourism.

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15:23:26 1 it would be a legitimate form of scholarship, I  
15:23:29 2 have questions about the quality of that work.

15:23:31 3 **BY MS. NANAU:**

15:23:31 4 **Q.** Thank you. I appreciate that  
15:23:33 5 clarification.

15:23:34 6 **A.** Yeah.

15:23:34 7 **Q.** Did you articulate that to Dr. McCarthy  
15:23:39 8 and Dr. Gill when you met with them in 2017 and  
15:23:46 9 2018?

15:23:46 10 **A.** Those two meetings have blended  
15:23:49 11 together. I have articulated my concerns about the  
15:23:53 12 quality or experience in one or both of those  
15:23:56 13 meetings. I don't know for sure it was both. I  
15:23:59 14 was using the same notes and it blended together.

15:24:01 15 **Q.** Did you take any handwritten notes or  
15:24:05 16 did you type any written notes up after either  
15:24:08 17 meeting with Dr. Gill or Dr. McCarthy?

15:24:11 18 **A.** Not to my knowledge.

15:24:13 19 **Q.** What was the follow-up of these  
15:24:15 20 meetings with Dr. Gill and Dr. McCarthy?

15:24:18 21 **A.** I don't know.

15:24:21 22 **Q.** So you didn't meet with them again?

15:24:24 23 **A.** No.

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15:24:27 1 Q. How did Dr. McCarthy react to your  
15:24:33 2 presentation in the April 2018 meeting?

15:24:38 3 A. I didn't give a presentation, it was  
15:24:40 4 just a discussion.

15:24:41 5 Q. Okay. How did she react to the  
15:24:44 6 information that you were providing to her about  
15:24:47 7 these trips that Dr. Noonan was taking with the  
15:24:50 8 students?

15:24:53 9 A. I don't remember any specific response  
15:24:56 10 from her except perhaps general concern about the  
15:25:00 11 points we were bringing up.

15:25:03 12 Q. What does general concern mean?

15:25:06 13 A. I feel like I have a vague memory that  
15:25:09 14 to mean she said, oh, that's concerning basically.  
15:25:15 15 I don't have any specific memory of the back and  
15:25:18 16 forth with her.

15:25:19 17 Q. Okay. And with Dr. Gill, what was her  
15:25:23 18 reaction to the concerns that you and Dr. Russell  
15:25:25 19 raised about the use of resources and the quality  
15:25:30 20 of the educational experience on these trips with  
15:25:34 21 Dr. Noonan and the students?

15:25:35 22 A. I believe it was much the same.

15:25:43 23 Q. So now I'm turning to the third

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15:51:27 1 primates?

15:51:27 2 **A.** Yes, I did know that.

15:51:39 3 **Q.** With regard to this exhibit,  
15:51:47 4 Plaintiff's 30, the last bullet point is no  
15:51:52 5 follow-up that she was aware of. Do you know what  
15:51:55 6 that is regarding?

15:51:56 7 **A.** So I believe I probably told Linda that  
15:52:00 8 there was no follow-up that I, the she is me in  
15:52:03 9 this case, was aware of from Beth Gill.

15:52:06 10 **Q.** Okay. Did you also tell  
15:52:09 11 Ms. Walleshauser that you had a meeting in 2018  
15:52:12 12 with Dr. McCarthy regarding similar issues that you  
15:52:15 13 raised with Dr. Gill?

15:52:16 14 **A.** I don't remember whether I told her  
15:52:18 15 that or not.

15:52:19 16 **MS. NANAU:** Okay. So I'm going to show you  
15:52:39 17 what's marked as Plaintiff's 31.

15:52:39 18 **The following was marked for Identification:**

19 **PLAINTIFF EXH. 31 Bates stamped Canisius 424**  
20 **to 442**

15:52:42 21 **BY MS. NANAU:**

15:52:43 22 **Q.** Plaintiff's 31 is document with the  
15:52:47 23 Bates stamp range Canisius 424 to 442. I'm going

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15:52:52 1 to direct your attention to page Canisius 431.

15:53:22 2 So at the bottom of 431 there is a heading  
15:53:26 3 that says Dr. Malini Suchak statement 2/26/2019 and  
15:53:32 4 I believe your first name is misspelled?

15:53:34 5 **A.** Correct.

15:53:35 6 **Q.** I would like you to read the statement,  
15:53:38 7 it goes to the next page, and then I'm going to ask  
15:53:43 8 you a couple questions.

15:53:44 9 **A.** As a former student of Dr. Noonan's --

15:53:47 10 **MR. D'ANTONIO:** She wants you to read it to  
15:53:51 11 yourself.

15:53:52 12 **MS. NANAU:** I mean, you can read it out loud  
15:53:55 13 if you want.

15:53:55 14 **MR. D'ANTONIO:** Otherwise she has to take it  
15:53:57 15 down.

15:53:58 16 **THE WITNESS:** Yeah, I thought that was  
15:54:00 17 weird. I'm reading from here.

15:54:32 18 **BY MS. NANAU:**

15:54:35 19 **Q.** Dr. Mil ani Suchak's statement, yes.

15:54:37 20 **A.** Okay. I'm done.

15:54:40 21 **Q.** Okay. So my question is, did you  
15:54:43 22 prepare the body of this statement and provide it  
15:54:51 23 to someone at Canisius, or is this something else?

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15:54:55 1           **A.**     I did not prepare this.

15:54:57 2           **Q.**     Okay. So this is not your statement as  
15:55:00 3 you prepared it, correct?

15:55:02 4           **A.**     Correct.

15:55:03 5           **Q.**     The date 2/26/2019, does that refresh  
15:55:08 6 your recollection as to when you may have met with  
15:55:11 7 Ms. Walleshauser or someone else regarding

15:55:14 8 Dr. Noonan?

15:55:14 9           **A.**     Yes, I met with Linda Walleshauser that  
15:55:18 10 day.

15:55:18 11           **Q.**     Does the information under the heading  
15:55:21 12 Dr. Malini Suchak's statement 2/26/2019, does it  
15:55:25 13 fairly summarize the information that you provided  
15:55:28 14 to you Dr. -- I mean to Ms. Walleshauser on  
15:55:34 15 February 26th, 2019?

15:55:36 16           **A.**     I believe this is a good summary of  
15:55:39 17 what I reported.

15:55:39 18           **Q.**     Okay. One of the things that is  
15:55:45 19 reported in this statement that you and I haven't  
15:55:49 20 discussed is Dr. Noonan hugging you and encouraging  
15:55:58 21 group hugs all the time?

15:56:00 22           **A.**     Yes.

15:56:01 23           **Q.**     Can you tell me about that, when did

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15:56:04 1 that start that Dr. Noonan would try to hug you or  
15:56:09 2 encourage group hugs?

15:56:11 3 **A.** So he would try to hug me, that started  
15:56:17 4 when I became a full-time faculty member in 2013.  
15:56:22 5 Encouraging group hugs, I don't know when that  
15:56:26 6 started, but that was something that he would do  
15:56:31 7 kind of in celebration or, you know, after an event  
15:56:36 8 or something and that was going on when I started  
15:56:41 9 in 2013.

15:56:42 10 **Q.** Okay. It looks like in 2015 there was  
15:56:48 11 a staff student event and Dr. Noonan came up behind  
15:56:53 12 you, shoved you from behind and tried to make you  
15:56:59 13 participate in a group hug; is that correct?

15:57:01 14 **A.** Yes.

15:57:02 15 **Q.** And you got very upset?

15:57:05 16 **A.** Yes.

15:57:06 17 **Q.** And then in response my understanding  
15:57:10 18 from this is that Dr. Paul Waldau told Dr. Noonan  
15:57:17 19 that the hugging was inappropriate and needed to  
15:57:20 20 stop, correct?

15:57:20 21 **A.** Yes.

15:57:21 22 **Q.** Did the hugging stop after Dr. Waldau  
15:57:25 23 approached Dr. Noonan about the hugging and how it

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15:57:28 1 had to stop after the 2015 event?

15:57:30 2 **A.** Yes.

15:57:31 3 **Q.** Did Dr. Noonan ever object to your  
15:57:34 4 objections to his hugging?

15:57:38 5 **A.** He didn't -- no, he didn't object to  
15:57:43 6 it.

15:57:43 7 **Q.** Okay. So he didn't say anything like  
15:57:46 8 everyone likes a hug or students like hugs or I  
15:57:49 9 like to hug, so nothing like that?

15:57:51 10 **A.** No.

15:57:52 11 **Q.** Okay. It's also reported here that in  
15:58:01 12 future interactions or meetings with you,  
15:58:05 13 Dr. Noonan would tease you and gesture to you that  
15:58:08 14 he was going to hug you which made you very  
15:58:12 15 uncomfortable?

15:58:13 16 **A.** Yes.

15:58:13 17 **Q.** How long did the gesturing of hugging  
15:58:16 18 go on for?

15:58:20 19 **A.** I would say it wasn't long after that  
15:58:25 20 that it stopped completely. Like maybe -- I mean,  
15:58:30 21 this was in like April or May of 2015 so then we  
15:58:34 22 went on summer. And my recollection is by like  
15:58:38 23 2016 it had fully stopped.

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**Malini Christine Suchak - Ms. Nanau - 06/19/2024**

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15:58:40 1 Q. Okay. Did you ever report to anyone in  
15:58:44 2 Canisius's administration either during your  
15:58:48 3 meeting with Dr. Gill in 2017, your meeting with  
15:58:53 4 Dr. McCarthy in 2018, or at any other time that  
15:58:58 5 Dr. Noonan subjected you to these hugs that you  
15:58:58 6 objected to?

15:59:01 7 A. No.

15:59:02 8 Q. Is there any reason why not?

15:59:04 9 A. When I started in 2013 and it started  
15:59:07 10 happening, I reviewed the policies and at the time  
15:59:12 11 I really could only find a sexual harassment  
15:59:17 12 policy, not a general harassment policy.

15:59:18 13 And it was very clear to me that it was not  
15:59:22 14 sexual in nature and did not fall under that policy  
15:59:25 15 so I didn't feel that he was violating any policy  
15:59:30 16 that I could find.

15:59:30 17 Q. Why was it clear to you that it was not  
15:59:34 18 a violation of the sexual harassment policy?

15:59:36 19 A. Because it was never when we were  
15:59:39 20 alone, it was only in front of other people. It  
15:59:43 21 was a power move. I pushed back against him and it  
15:59:47 22 was a way that he was able to assert power over me.

15:59:52 23 And so I felt that based -- like I read the

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